

Dedicated to protecting and improving the health and environment of the people of Colorado

**ACTION: APEN EXEMPTED
PERMIT EXEMPTED**

Dear Applicant:

The Air Pollution Control Division (the Division) received your air emission permit application for your emission unit or activity that is exempt from Air Pollution Emission Notice (APEN) and permit requirements for one of the following reasons per Regulation No. 3, Part B, Section II.D.1.:

- Paint booths or auto body shops with emissions less than 1 ton/year for all criteria pollutants in ozone nonattainment area (Larimer, Weld, Boulder, Adams, Arapahoe, Jefferson, Denver, Broomfield, Douglas counties) and less than 2 tons/year for all other counties
- A heater or boiler with a design capacity less than or equal to 5 MMBtu/hour that is fueled solely by natural gas or liquid petroleum gas (LPG)
- A heater or boiler with a design capacity less than or equal to 10 MMBtu/hour *used solely for heating buildings for personal comfort* that is fueled solely by natural gas or liquid petroleum gas (LPG)
- Storage tank(s) with capacity less than 40,000 gallons of (used or new) lubricating oils
- Wet screening operations NOT subject to NSPS OOO
- Disturbance of surface areas for purposes of land development that are less than 25 acres AND less than 6 months in duration

This exemption from APEN and permit requirements is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon construction, installation and operation in accordance with this information and with representations made by the applicant or applicant's agents.

Please note, although exempt sources do not need air emission permits, they are still required to meet all applicable standards and regulations of the Air Quality Control Commission (AQCC) and other applicable federal standards (e.g. NSPS and MACT requirements). For potential applicable federal standards, refer to the table at the end of this letter. AQCC regulations include, but are not limited to: visible emissions shall not exceed 20% opacity and the odor requirements of Regulation No. 2.

Any changes with respect to the original submittal that would result in the emission source no longer qualifying for the referenced exemption automatically nullifies this exemption.

An applicant may not omit any information regarding APEN exempt emission units in any permit application if such information is needed to determine the applicability of Title V, Prevention of Significant Deterioration, or nonattainment New Source Review.

For facilities subject to a Title V Operating Permit:

Any emission unit subject to a federal rule (e.g. NSPS, MACT) or state rule (e.g. Regulation No. 7 requirement) must be included in your Operating Permit along with the applicable requirements. The Division requires written notice of these emission units within thirty days of commencing construction. Please see Permitting Guidance Memo 09-01 (scenario #7) for more detailed information on this requirement. All Permitting Guidance Memos can be found on the Division's website (<https://www.colorado.gov/pacific/cdphe/permitting-guidance-memos>).

Approved by the Stationary Sources Program
Air Pollution Control Division

Full text of the Title 40, Protection of Environment Electronic Code of Federal Regulations can be found at the website listed: <http://ecfr.gpoaccess.gov/>

